

REMARKS

The Examiner is thanked for the courtesies extended to Applicants' undersigned attorney during the September 10, 2009 telephone interview, during which the above-identified amendments were discussed in view of the following remarks. Reconsideration of this application and the rejection of claims 1-24 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated April 15, 2009 (Paper No. 20090411) and believe the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,877,856 to Fercher. Applicants disagree with and traverse this rejection for the following reasons.

Fercher discloses an arrangement and method for increasing contrast and optical coherence tomography by scanning an object with a dual beam. The dual beam, which has linearly polarized waves 17' or 17'', is created by a Wollaston prism 18 as shown in Fig. 3 of Fercher below.

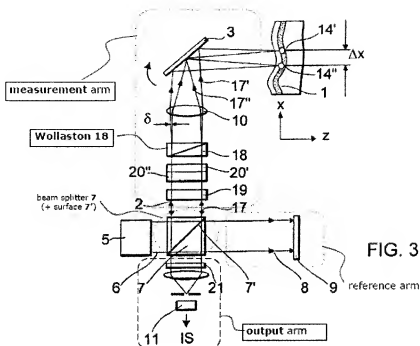


FIG. 3

LACOMBE et al. - Fig.5

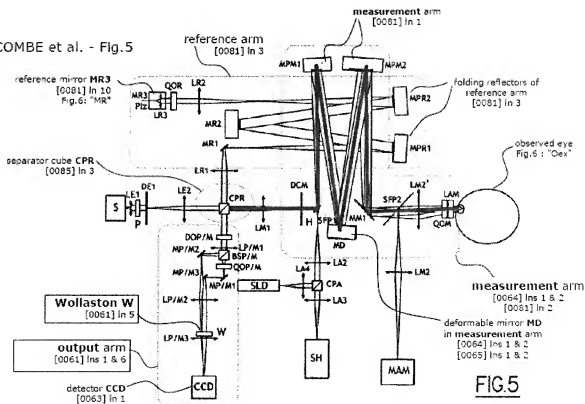


FIG.5

Fercher also discloses a measurement arm that extends from the beam splitter 7 to the scattering location 4 (Col. 3, lines 13-15), a reference arm that extends from the beam splitter 7 to the deflecting mirror 9 (also called reference mirror 9) and an output arm that is positioned after the beam splitter 7 and includes the photo detector 11. Fercher uses polarization in the measurement arm for illuminating two adjacent points 14' and 14'' of the observed object with an OCT device undergoing a scanning observation.

In contrast, amended claim 1 recites, among other things, a device for measuring the contrast of fringes in a full field Michelson interferometer that includes "means for separating a beam entering into the output arm, means for deflecting two incoming perpendicular polarizations in two different emerging directions and a beam detector" where "said means for deflecting [is] . . . arranged between said means for separating and said beam detector within the output arm." Fercher fails to disclose such subject matter.

In Fercher, a beam deflector, i.e., the Wollaston prism 18, is located in the measurement arm as shown in Fig. 3 above. The Wollaston prism 18 deflects the incoming beam into first beam 17' and second beam 17''. The Wollaston prism 18 is not located in the output arm, and more specifically, it is not located between the beam splitter (CPR) and the beam detector (CCD) (see Applicants' Fig. 5 above). Fercher therefore fails to disclose the subject matter of amended claim 1.

Amended claim 11 includes similar subject matter to amended claim 1, and recites, among other things, a method for measuring the contrast fringes in a full field Michelson interferometer that includes “separating a beam entering into the output arm using a beam splitter and deflecting two incoming perpendicular polarizations in two different emerging directions by means of a Wollaston prism situated between said beam splitter and a beam detector in said output arm of the full-field Michelson interferometer.” As stated above, Fercher fails to disclose a Wollaston prism that is in the output arm between the beam splitter and the beam detector. Fercher therefore fails to disclose the subject matter of amended claim 11.

Similarly, amended claim 20 recites, among other things, a system for examining the eye by *in vivo* tomography that includes “means for separating a beam entering into the output arm using a beam splitter,” “means of detection, arranged downstream of the interferometer or within its output arm” and “a device for measuring the contrast of fringes in a full-field Michelson interferometer, said device comprising means for deflecting two incoming polarizations in two different emerging directions, said means for deflecting being positioned between said means for separating and said means of detection in said output arm.” Fercher does not disclose means for deflecting a beam positioned between a beam splitter and a beam detector in the output arm as recited in amended claim 20. Therefore, Fercher fails to disclose the subject matter of amended claim 20.

Accordingly, Applicants submit that amended claims 1, 11 and 20, and the claims that depend therefrom, are each patentably distinguished over Fercher and in condition for allowance.

Claims 17-20 and 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Fercher and U.S. Publication No. 2003/0218755 to Wei et al. As stated above, Fercher fails to disclose or suggest the subject matter of amended claims 1, 11 and 20. Wei discloses an OCT optical scanner that is cited to teach a full-field Michelson interferometer and the step of carrying out the correction of the wave fronts originating from the eye as well as those reaching the eye. Wei does not remedy the deficiencies of Fercher. Specifically, Wei does not disclose or suggest a beam deflector that is located in the output arm between the beam splitter and the photo-detector. Applicants therefore submit that claims 17-20 and 22-24 are each patentably distinguished over the combination of Fercher and Wei and in condition for allowance.

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Fercher, Wei and U.S. Patent No. 5,883,692 to Agonis et al. Claim 21 depends from amended claim 20. As stated above, the combination of Fercher and Wei fails to disclose or suggest the subject matter of amended claim 20. Agonis is cited as disclosing a citing device including at least one moving target having a programmable shape or trajectory that is displayed at a screen during an examination. Agonis does not remedy the deficiencies of Fercher and Wei. Accordingly, Applicants submit that claim 21 is patentably

distinguished over the combination of Fercher, Wei and Agonis for at least the reasons provided above and for the further reason that the cited combination does not disclose or suggest the subject matter of claim 21 in combination with the subject matter of amended claim 20.

Applicants submit that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Customer No. 24978
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315

September 15, 2009

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By /Christopher S. Hermanson/
Christopher S. Hermanson
Registration No. 48,244